

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated March 30, 2011. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-6, 8-14, 18, and 21-24 are pending in the Application. Claims 4-6, 8-14, and 21-24 are withdrawn. Claim 1 is the sole independent claim.

In the Office Action, claims 1-3 and 18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,262,833 to Loxley ("Loxley") in view of U.S. Patent No. 4,041,481 to Sato ("Sato"). These rejections are respectfully traversed. It is respectfully submitted that the rejected claims are allowable over the prior art for at least the following reasons.

As was argued in the past, Loxley describes particles 12 contained in the fluid 6 moving towards the electrode (see, Loxley, FIGs. 1 and 2). At col. 5, lines 58-60, Loxley states the following:

When an electric field is applied to the capsule 2, the pigment particles 12, suspended in the second fluid 6, can migrate to the electrode of opposite polarity.

Contrarily claim 1 recites "a driver for moving the first fluid or breaking it up into small droplets by applying voltages to the first and second electrodes of the optical switch". In contrast", thus Loxley does not teach, disclose, or suggest "a driver for moving the first fluid or breaking it up into small droplets", as recited in claim 1. Sato similarly describes charged (electrophoretic) colored particles dispersed in liquid. The charged particles are electrophoretically attracted to and move toward one of the two electrodes. Thus, Sato,

does not teach, disclose, or suggest "a driver for moving the first fluid or breaking it up into small droplets", as recited in claim 1.

It is respectfully submitted that the claims are not anticipated or made obvious by the teachings of the presented prior art references. For example, Loxley in view of Sato does not teach, disclose or suggest, a display device that amongst other patentable elements, comprises (illustrative emphasis added) "a driver for moving the first fluid or breaking it up into small droplets by applying voltages to the first and second electrodes of the optical switch, the voltages are associated with a plurality of electro-optical states of the picture element in a range between and including a first extreme state and a second extreme state, wherein during selection of the at least one picture element, the driver provides variable voltages to the picture element prior to applying a fixed voltage associated with an electro-optical state of the picture element that corresponds to a desired image grayscale to be set, the provided variable voltages having a mean voltage substantially equal to the fixed voltage" as recited in claim 1.

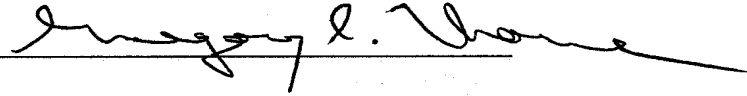
Based on the foregoing, the Applicants respectfully submit that the independent claim is patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from the independent claim and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections

and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
June 13, 2011

**THORNE & HALAJIAN, LLP**

111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101

**Please direct all inquiries and correspondence to:**

Michael E. Belk, Reg. 33,357  
Philips Intellectual Property & Standards  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
(914) 333-9643